

MINUTES OF THE MEETING OF  
THE BOARD OF COSMETOLOGY, ELECTROLOGY, ESTHETICS,  
NAIL TECHNOLOGY, AND BODY ART

September 12, 2016

**1. ROLL CALL**

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chairperson, Becky Pettigrew, at 10:30 a.m., in Lower Level Conference Room B, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

The following members answered roll call:

Bridget Anderson	-	Member
Sandra Christie	-	Member
Vicki Criswell	-	Secretary
Lyra Faltys	-	Member
Melanie Judkins	-	Vice-Chair
David Newson	-	Member
Becky Pettigrew	-	Chair
Pam Rowland	-	Member

Members Absent:

Ann Casement	-	Member
Ruth Lucas	-	Member

Others Present:

Ami Huff, Assistant Attorney General  
Carla Cue, Investigator  
Kris Chiles, Program Manager, Licensure Unit  
Nancy Herdman, Health Licensing Coordinator, Licensure Unit

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Faltys moved, seconded by Rowland, to adopt the agenda. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Casement, Lucas (2). Motion carried.

**3. APPROVAL OF MINUTES (7-11-16, 8-8-16 conference call)**

**MOTION:** Rowland moved, seconded by Criswell, to approve the minutes of 7-11-16. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Lucas (2). Motion carried.

**MOTION:** Anderson moved, seconded by Judkins, to approve the minutes of 8-8-16. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Rowland (7). Voting nay: None (0). Abstain: Pettigrew (1). Absent: Casement, Lucas (2). Motion carried.

#### **4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION**

**MOTION:** Faltys moved, seconded by Christie, to enter into closed session at 10:32 a.m. for the purpose of hearing discussions of a confidential nature and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Casement, Lucas (2). Motion carried.

10:33 a.m. - Anderson departed meeting (conflict)  
10:35 a.m. - Anderson entered meeting  
10:40 a.m. - Cue departed meeting  
10:43 a.m. - Rowland departed meeting  
10:51 a.m. - Rowland entered meeting  
11:34 a.m. - Break  
11:46 a.m. - Meeting resumed  
Huff departed meeting; CJ Roberts, Department attorney, entered meeting

**MOTION:** Faltys moved, seconded by Newson, to return to open session at 12:16 p.m. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Casement, Lucas (2). Motion carried.

12:16 p.m. - Break  
12:25 p.m. - Meeting resumed  
Roberts departed meeting; Huff entered meeting

#### **5. APPLICATION REVIEW AND RECOMMENDATIONS – OPEN SESSION**

##### a. Initial Licensure/Reinstatement/Convictions/Administrative Penalties

##### Secretia Benton – Reinstatement Nail Technician

**MOTION:** Anderson moved, seconded by Faltys, to defer and request a pre-reinstatement investigation. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew (7). Voting nay: None (1). Abstain: Rowland (1). Absent: Casement, Lucas (2). Motion carried.

##### Lucas Servantes – Body Piercer

**MOTION:** Anderson moved, seconded by Newson, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Newson, Pettigrew, Rowland (7). Voting nay: Judkins (1). Abstain: None (0). Absent: Casement, Lucas (2). Motion carried.

##### Jamie Bittfield – Cosmetologist Reinstatement

**MOTION:** Judkins moved, seconded by Rowland, to recommend offering a probationary license with 6 month probation, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Lucas (2). Motion carried.

##### Emily Renteria – Nail Technologist Reinstatement

**MOTION:** Judkins moved, seconded by Anderson, to recommend offering a probationary license with 1 year probation, to include the standard terms and conditions and the following: quarterly employer reports, no solo practice, evidence of compliance with court probation and report from court prior to end of court probation. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Lucas (2). Motion carried.

##### Simon Sullivan – Tattoo Artist

**MOTION:** Judkins moved, seconded by Criswell, to recommend offering a probationary license with 6 month probation, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Lucas (2). Motion carried.

David Worrell – Tattoo Artist/Body Piercer Reinstatement from Discipline (Voluntary Surrender)

**MOTION:** Newson moved, seconded by Faltys, to defer and request additional information. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Lucas (2). Motion carried.

Janine Brignola – Cosmetologist Reinstatement from Discipline (Modification of Probation Terms)

**MOTION:** Judkins moved, seconded by Anderson, to recommend reducing probation by 1 year based on maintaining sobriety for 3 ½ years, furthered education by receiving a bachelor's degree, continuing in therapy, and life stability. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Lucas (2). Motion carried.

<b>6. NEW BUSINESS</b>
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**a. Discussion on Licensing Manicuring and Pedicuring Services**

Rowland asked the Board to consider supporting licensing of manicuring and pedicuring services. Judkins asked why it was not in the regulations now and Rowland responded that the Board had not supported it. Rowland stated people were getting infections from pedicure basins. Chiles asked if she had data and was it occurring in a licensed salon or by unlicensed individuals. Rowland responded that individuals did not want to come forward but she had gathered information from other states and had doctor statements. Pettigrew asked about individuals who go into nursing homes and do manicures and pedicures as an activity and how licensure would affect them.

Judkins suggested considering pedicuring and not manicuring and that not using chemical as perhaps the difference between a license or not. The Board discussed the definition of manicuring and perhaps removing cutting, shaping and trimming nails which would allow cleaning, removing polish, and polishing. Newson wondered how prevalent the issue was and commented that in his opinion he did not think this applied to many individuals. Criswell commented that some estheticians do manicures and pedicures and wondered if they would be grandfathered in. Rowland commented that 5 years ago Iowa licensed manicuring and pedicuring. Pettigrew stated that cosmetology took a hit with natural braiding not required to be licensed and she did not want to open a can of worms and perhaps loose something else. Rowland responded it was a public safety issue and infections from pedicure basins had been determined by physicians but she could not confirm if these took place in a licensed or unlicensed practice. Judkins suggested saying manicuring and pedicuring would be done for compensation and thus would not apply to those who go into a nursing home and do pedicures and manicures as an activity.

Rowland stated she wanted to recruit a Senator to sponsor the bill. The Board members asked Rowland to forward to them the data she had prior to the November meeting and this item would again be placed on the agenda at the November meeting.

**b. 2017 Legislative Proposal Status**

Chiles stated there was nothing to report.

**c. Body Art, Cosmetology, Electrology, Esthetics, Nail Technology and Body Art**

Body Art – Judkins had nothing to report.

Cosmetology – There was nothing to report.

Electrology – There was nothing to report.

Esthetics – Criswell asked if someone attended a CEU training on 10-1-16, could they use that training for the renewal of their esthetics license that expires 9-30-16. Chiles responded that they could not as training must occur in the current renewal period. Criswell stated she forwarded the transgender article she had spoken about at the last meeting. Criswell was one of the testers for the online renewal and she commented that it

was clearer than in the past. Chiles stated licensees can now go to license lookup and print a wallet card which is considered an official document. She commented nurses were going through renewal and they would not receive a wallet card.

**Nail Technology** – Pettigrew had nothing to report. Rowland asked in the proposed regulations if there were any curriculum changes in nail technology regarding wraps because she was having difficulty in obtaining product. Chiles asked Rowland to provide a document to the Board regarding the non-availability of products to do wraps.

**Tanning** – Pettigrew stated she would be going to the American Suntanning Association meeting in Nashville in October. She stated she was interested to find out what the FDA had planned.

#### **d. Process Improvement Project within the Licensure Unit**

Chiles stated government as a whole was doing process improvement with the goal of operating like a business. Chiles was involved with process improvement with nursing. She stated applications were taking a long time to process and were coming in 83% deficient. The applications were revised based on feedback from staff, recently licensed nurses, schools and employers and were now coming in 4% deficient. Chiles stated nursing tracked phone calls and found many were for investigations. An automated system was instituted which decreased calls going to the wrong area/individual. Chiles commented the website was also simplified to make it more customer focused and application processing steps were reviewed and decreased. Chiles stated process improvement is currently happening with mental health and cosmetology would likely be next.

### **7. REPORTS/UPDATES**

#### **a. National-Interstate Council of State Boards of Cosmetology**

Faltys reported she will be attending the annual meeting in Tampa.

#### **b. Disciplinary/Non-Disciplinary Action Report**

Chiles distributed the report.

#### **c. Statistics: Examinations / Renewal / Licensing / Administrative Penalties**

Chiles distributed the following examination results since July 1, 2016:

##### **Cosmetology**

Cosmetology – 46 pass, 23 fail

Esthetics – 12 pass, 2 fail

Cosmetology Instructor – 1 pass

Jurisprudence, probation – 2 pass, 1 fail

Jurisprudence, order – 3 pass

Jurisprudence, CEU – 1 pass

##### **Nail Technology**

Nail Technician – 6 pass, 7 fail

Jurisprudence, probation – 1 pass

The statistics were distributed and were as follows:

##### **Licensure Numbers:**

Cosmetologist	9184
Cosmetology Instructor	182
Cosmetology Salon	2081
Cosmetology Salon Consideration Certificate	10

Electrologist	17
Esthetician	939
Esthetician Instructor	22
Esthetics Salon	47
Esthetics Salon Consideration Certificate	2
Home Service Permit	3
School of Cosmetology	17
Temporary Cosmetology Practitioner	13
Temporary Esthetician Practitioner	0
Body Art Facility	149
Body Brander	2
Body Piercer	85
Permanent Color Technician	47
Tattoo Artist	315
Nail Technician	1229
Nail Technology Instructor	12
Nail Technology Salons	184
Nail Technology Salon Consideration Cert.	5
Nail Technology Schools	5

Chiles stated to date out of the 939 estheticians, 152 had renewed and out of 22 instructors, 2 had renewed. She asked what percentage of renewal applications the Board wanted audited and it was agreed that 5% of the estheticians and 2% of the esthetician instructors would be audited.

## 8. ADJOURNMENT

**MOTION:** Anderson moved, seconded by Faltys, to adjourn. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Lucas (2). Motion carried.

Pettigrew declared the meeting adjourned at 2:01p.m.

Respectfully submitted,

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Vicki Criswell, Secretary  
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by Nancy Herdman, Health Licensing Coordinator